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Promotion and protection of human rights: implementation of human rights instruments

Letter dated 22 June 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement delivered by the representative of the Russian Federation at the thirty-sixth meeting of States parties to the International Covenant on Civil and Political Rights under agenda item 6, entitled "Other matters" (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 72 (a).

(*Signed*) D. **Polyanskiy**
Chargé d'affaires a.i.

18-11891 (E) 200718 230718

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Statement delivered by the representative of the Russian Federation at the thirty-sixth meeting of States parties to the International Covenant on Civil and Political Rights under agenda item 6, entitled "Other matters"

14 June 2018

We would like to take this opportunity to once again comment on some aspects of the work of the Human Rights Committee.

We note with concern the growing tendency of the treaty bodies, including the Human Rights Committee, to independently review the provisions of the relevant international treaties, both in terms of the obligations of States parties and working methods, in an effort to broaden the interpretation of international norms and promote contentious concepts that have little in common with the substance of the treaties.

The drafting by the Committee of a general comment on the implementation of article 6 of the Covenant, concerning the right to life, is especially troubling. The experts are proposing a very liberal and broad interpretation of the concept of the right to life, thereby de facto creating new obligations for States parties to the Covenant. We should like to recall that the Committee's work is governed by the relevant provisions of the Covenant, which do not include the creation of such normative functions.

In our view, general comments are solely the personal opinions of the treaty body experts and, therefore, may not impose on States any obligations additional to those undertaken by them when ratifying or acceding to an international treaty, unless otherwise declared by a State on a voluntary basis. For our part, we shall continue to be guided solely by the provisions of the relevant international treaties in the follow-up to their implementation.

As we noted two years ago, the Committee's follow-up procedures are an unwarranted increase in the work of the treaty bodies and take up additional time and resources for intersessional correspondence with States. We should like to recall that this practice is not provided for by the relevant international treaties and places an additional burden on States. We believe that the system established for State reporting to treaty bodies, namely, the regular submission of periodic reports, is the optimal tool. This is because each subsequent report contains information on the implementation of earlier concluding comments and recommendations.

It is questionable whether it is legitimate for the Human Rights Committee to plan the holding of joint meetings and coordination sessions with the Committee on Economic, Social and Cultural Rights, and also whether individual communications should be considered, given the different number not only of States parties to the Covenants, but also of States that have accepted the individual communications procedure adopted by both Committees. Such attempts to combine the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights clearly go beyond the scope of the international legal instruments that established them.

We see no legal grounds for the Committee's new practice of publishing open letters addressed to States on its website. The advisability and usefulness of doing so is dubious and has counterproductive effects, since this approach does not contribute

towards fostering a constructive dialogue between States parties and the Human Rights Committee and threatens to further increase the politicization of the Committee's work.

Nothing other than the politicization of the Committee's work can explain its decision concerning an individual complaint in which the Russian Federation allegedly allowed the provisions of the Covenant to be violated in a situation occurring 30 years prior to the accession to the Covenant by the Union of Soviet Socialist Republics and Russia, as its successor State. The adoption by the Committee experts of such concluding observations is completely unacceptable because it violates the principle prohibiting the retroactive application of legal norms and demonstrates the political nature of the Committee's findings. The Russian Federation has taken note of the separate opinion of four Committee experts, but does not recognize the conclusion drawn in that case.

In conclusion, we would like to express the hope that the problems identified will facilitate a more substantive discussion on improving the work of the treaty bodies, both with the experts of these oversight mechanisms themselves and with other States.